

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEUNG KI LEE,

Plaintiff,

-against-

MANI & PEDI INC., and KUMWOO PARK,

Defendants.

JUDGMENT

20 Civ. 10787 (JCM)

WHEREAS, Plaintiff Neung Ki Lee (“Plaintiff”) commenced this action on December 21, 2020; and

WHEREAS, on January 25, 2021, this action was assigned to the Honorable Judith C. McCarthy, United States Magistrate Judge, to conduct all proceedings by consent of the parties pursuant to 28 U.S.C. § 636(c); and

WHEREAS, this action proceeded to a jury trial on February 14, 2022; and

WHEREAS, the trial concluded and the jury rendered a unanimous verdict on February 15, 2022 in favor of Plaintiff against Defendants Mani & Pedi Inc. and Kumwoo Park (“Defendants”); and

WHEREAS, the jury found Defendants liable to Plaintiff for unpaid overtime wages; and

WHEREAS, the parties stipulated that if Defendants were found liable to Plaintiff for unpaid overtime wages, Plaintiff would be entitled to an equal amount of liquidated damages and statutory damages under the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”); and

WHEREAS, the verdict sheet did not ask the jury to reach a determination of the total

amount of unpaid overtime wages owed to Plaintiff. Rather, the jury made determinations of Plaintiff's weekly overtime hours worked, whether Plaintiff received an hourly rate or a daily rate, Plaintiff's regular rates of pay, and the number of weeks she worked at each rate of pay over the period of time when she was employed by Defendants; and

WHEREAS, the Court instructed the parties to file a proposed calculation of damages and judgment based upon the jury verdict rendered on February 15, 2022; and

WHEREAS, on March 2, 2022, the parties filed a joint proposed calculation of damages; and

WHEREAS, neither party has objected to the proposed calculation of damages, nor have they requested pre-judgment interest; and

WHEREAS, the Court accepts the parties' joint submissions.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Plaintiff against Defendants, jointly and severally, in the amount of \$24,758.66, which includes:

- A. compensatory damages for unpaid overtime wages under the FLSA and NYLL in the amount of \$7,379.33;
- B. statutory damages for violation of NYLL § 195(1) in the amount of \$5,000.00;
- C. statutory damages for violation of NYLL § 195(3) in the amount of \$5,000.00; and
- D. liquidated damages for unpaid overtime wages pursuant to the FLSA and NYLL in the amount of \$7,379.33;

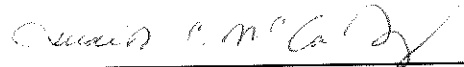
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that post-judgment interest shall accrue at the statutory rate provided for in 28 U.S.C. § 1961, running from the date of entry of this Judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to NYLL §§ 198(4) and 663(4), “if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent.”

Accordingly, the Clerk of the Court is respectfully requested to close the case.

Dated: March 3, 2022
White Plains, New York

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Judith C. McCarthy", is written over a horizontal line.

JUDITH C. McCARTHY
United States Magistrate Judge